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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,433

Applicant(s)

HAYKO ET AL.

Examiner

Michael S. A. Delgado

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/2005 has been entered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22, 26 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,009,464 by Hamilton et al.

In claim 1, Hamilton teaches about an application provision system for use in a server, the server (Fig 2, 130) being connected to a network through a communication link (Fig 2, 210), the network comprises at least one client (Fig 2, 120) and at least one server (Fig 2, 100), the application provision system for providing a requested application to a client, the application provision system comprising (Fig 6) (Col 4, lines 25-35) (Col 6, lines 30-40):

a server resident process “skeletons” for controlling the application provision system and providing a requested application to a client (Col 4, line 65-Col 5, line 5) (Col 6, lines 10-20); and

client-server functionality “stub” deliverable to the client “download code 460” , the client-server functionality communicating with the server resident process through a communication pipe (the logical communication that take place between stubs and skeletons), and interacting directly with an operating system resident on the client, the communication pipe being a part of the communication link (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55). The operating system solely controls the operation that governs the way the RAM (Fig 1, 80) is utilized. To execute the download code (stubs) in RAM, there has to be a direct interaction between Stubs and the operating system. As the operating system provides the needed space in memory that is required for the Stubs to be executed.

In claim 2, Hamilton teaches about an application provision system according to claim 1 wherein the server resident process includes a common gateway interface (Col 4, line 65-Col 5, line 5) (Col 5, lines 40-50). The Common Gateway Interface is a subset of the skeletons that applies to an internet browser.

In claim 3, Hamilton teaches about an application provision system according to claim 1 wherein the client server functionality is a platform independent executable program “Java language” attached to a web page (Col 5, lines 40-50).

In claim 4, Hamilton teaches about an application provision system according to claim 3 wherein the platform independent executable program is a Java applet (Col 5, lines 40-50).

In claim 5, Hamilton teaches about an application provision system for use in a server (Fig 2, 130), the server being through a communication link (Fig 2, 210), the network comprises at least one client (Fig 2, 120) and at least one server (Fig 2, 130), the client comprising an operating system and a browser "Netscape Navigator", the application provision system comprising (Fig 6) (Col 4, lines 25-35) (Col 5, lines 40-50) (Col 6, lines 30-40):

a server resident process, controlling the application provision system and being able to respond to queries (Col 4, line 65-Col 5, line 5) (Col 6, lines 10-20);

a file deliverable to the client, the file including a platform independent executable program "Java" and parameter information (Col 5, lines 50-65) (Col 6, lines 10-20); and

a communication pipe (the logical communication that take place between stubs and skeletons using internet) within the communications link for providing communications (Col 4, line 65-Col 5, line 5) (Col 5, lines 40-50);

the platform independent executable program communicating with between the server resident process through the communication pipe and interacting directly with the operating system of the client such that the server resident process is able to perform operations within the operating system of the client (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55). The operating system solely controls the operation that governs the way the RAM (Fig 1, 80) is utilized. To execute the download code (stubs) in RAM, there has to be a direct interaction

Art Unit: 2144

between Stubs and the operating system. As the operating system provides the needed space in memory that is required for the Stubs to be executed.

In claim 6, Hamilton teaches about an application provision system according to claim 5 further comprising a database comprising information for the locating of files associated with an application that can be installed on the client (Col 7, lines 35-50). The operation of linking a specific request to a particular code is consistent with the operation of a database.

In claim 7, Hamilton teaches about an application provision system according to claim 5 wherein the application provision system further comprises;

at least one file associated with at least one application wherein the application is installable on the client (Col 7, lines 35-50); and

at least one web page for downloading to the browser located on the client (Col 7, lines 29-35).

In claim 8, Hamilton teaches about an application provision system according to claim 5 wherein the file deliverable to the client includes a Java applet (Col 5, lines 55-65).

In claim 9, Hamilton teaches about an application provision system according to claim 5 wherein the server resident processes includes a common gateway interface (Col 4, line 65-Col 5, line 5) (Col 5, lines 40-50). The Common Gateway Interface is a subset of the skeletons that applies to an internet browser.

In claim 10, Hamilton teaches about an application provision system according to claim 5 wherein the server resident process, client deliverable file and at least one file associated with the at least one application are located on the same server (Col 7, lines 15-25).

In claim 11 Hamilton teaches about an application provision system according to claim 5 wherein the server resident process, client deliverable file and at least one file associated with the at least one application are located on different servers that are both element of the same network (Col 5, lines 50-60).

In claim 12, Hamilton teaches about an web page for delivery from a server to a browser operating on a client (Col 7, lines 25-35), the server “document server” and the client “potential end user” being connected to a network through a communication link (over the internet) , the network comprising at least one client and at least one server, the server comprising server resident processes “skeletons” controlling automatic provisioning of an application (Col 7, lines 25-35) (Col 7, lines 55-65), the web page for use in a system for the automatic provisioning of the application to the client, the web page comprising (Col 7, lines 25-50):

a platform independent executable program communicating with the server resident processes through a communication pipe (the logical communication that take place between stubs and skeletons), and interacting directly with an operating system resident on the client, the communication pipe being a part of the communication link (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55). The operating system solely controls the operation that governs the way the RAM (Fig 1, 80) is utilized. To execute the download code (stubs) in RAM, there has to be a direct interaction between Stubs and the operating system. As the operating system provides the needed space in memory that is required for the Stubs to be executed.

In claim 13, Hamilton teaches about a web page according to claim 12 wherein the platform independent executable program is a Java applet (Col 5, lines 40-50).

In claim 14, Hamilton teaches about a method of providing a requested application from a server to a client by an application provision system, the method comprising the steps of (Col 6, lines 1-25):

providing a first web page “document” to a client, the first web page containing at least one link associated with a document (Col 7, lines 30-40);

receiving a request for “selects button 590” the document by a server resident process, from a client (Col 4, line 65-Col 5, line 5) (Col 7, lines 35-45);

providing a second web page to a client, the second web page having client server functionality the client-server communicating with the server resident process through a communication pipe, and interacting directly with an operating system resident on the client and requesting an application to access the requested document (Col 7, lines 45-65); and

providing the requested application to the client wherein the requested application allows the client to access the requested document “online ordering system” (Col 7, lines 45-55).

In claim 15, Hamilton teaches about a method of providing a requested application according to claim 14 wherein the step of providing the application provides the entire application to the client (Col 7, lines 40-50). All that is needed to access the online ordering system.

In claim 16, Hamilton teaches about an method of providing a requested application according to claim 14 wherein the step of providing the application provides selected files associated with the application to the client to update an existing instance of the application on the client (Col 6, lines 1-15).

In claim 17, Hamilton teaches about a method of receiving a requested application from a server to a client by an application provision system, the method comprising the steps of (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55):

receiving a first web page from a server, the first web page containing at least one link associated with a document (Col 6, lines 1-15) (Col 5, lines 40-50);

providing a request the document to a server resident process, from a client (Col 6, lines 10-20);

receiving a second web page from a server, the second web page having client server the client-server communicating with the server resident process through a communication pipe, and interacting directly with an operating system resident on the client and requesting an application to access the requested document (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55). The operating system solely controls the operation that governs the way the RAM (Fig 1, 80) is utilized. To execute the download code (stubs) in RAM, there has to be a direct interaction between Stubs and the operating system. As the operating system provides the needed space in memory that is required for the Stubs to be executed; and

receiving the requested application from the server wherein the requested application allows the client to access the requested document (Col 6, lines 20-30).

In claim 18, Hamilton teaches about a method of receiving a requested application according to claim 17 wherein the step of receiving the application receives the entire application from the client (Col 6, lines 20-25).

In claim 19, Hamilton teaches about an method of receiving a requested application according to claim 17 wherein the step of receiving the application receives selected files associated with the application from the server to update an existing instance of the application on the client (Col 6, lines 5-15).

In claim 20, Hamilton teaches about an method for providing a requested application by a server to a client connected to a network through a communication link, the network comprising at least one client and at least one server, the at least server comprising at least one web page for downloading by the at least one client (Col 5, lines 40-50) (Col 6, lines 1-15), the method comprising the steps of:

providing client-server functionality “Stubs” and a server resident process “skeletons” on a server (Col 4, line 65-Col 5, line 5);

delivering the client-server functionality to the client during the downloading of a web page to which the client-server functionality is attached the client-server functionality interacting directly with an operating system resident on the client (Fig 1) (Col 4, line 65-Col 5, line 5) (Col

6, lines 35-55). The operating system solely controls the operation that governs the way the RAM (Fig 1, 80) is utilized. To execute the download code (stubs) in RAM, there has to be a direct interaction between Stubs and the operating system. As the operating system provides the needed space in memory that is required for the Stubs to be executed.

receiving a request for an application from the client, through the client-server functionality the client-server functionality communicating with the server resident process through communication pipe, the communication pipe being part of the communication link, the network (Fig 1) (Col 4, line 65-Col 5, line 5) (Col 6, lines 35-55); and

providing by way of the server resident process the requested application to the client, through the client-server functionality (Col 4, line 65-Col 5, line 5).

In claim 21, Hamilton teaches about a method of automatic provisioning of a requested application from a server to a client (Col 7, lines 25-45);

the server and the client being connected to a network, the network including at least one client and at least one server, the client operating a browser and an operating system, the method comprising the steps of (Col 7, lines 25-45):

downloading a first web page containing at least one link, the link, being associated with a document, by the client from the server to which the client is connected and in communications through a communication link (Col 7, lines 30-35);

selecting the link on the downloaded first web page (Col 7, lines 35-45);

downloading a second web page by the client from the server the second web page comprising wherein-a platform independent executable program; opening a new window of the browser operating on the client (Col 7, lines 40-50);

opening a new window of the browser operating on the client (Col 7, lines 40-50);

invoking the platform independent executable program the platform independent executable program interacting directly with the operating system of the client (Col 7, lines 40-45);

invoking at least one server resident process, the server resident process communicating with the client-server functionality through a communication pipe the communication pipe being part of the communication link (Col 4, line 65-Col 5, line 5);

scanning the client, by the platform independent executable program to determine if the requested application is installed on the client (Col 6, lines 10-20);

providing the requested application to the client if the requested application is not installed on the client; and invoking the requested application (Col 6, lines 10-20); and

invoking the requested application (Col 6, lines 20-25).

In claim 22, Hamilton teaches about an method according to claim 21 further comprising the step of providing code which allows the performance of secure operations within the operating system of the client (Col 7, lines 25-55). Online transaction requires security and is implied by the online system returning an acknowledgement signal.

In claim 26, Hamilton teaches about a method of automatically Provisioning a requested application from a server to a client; the server and client being are elements of a network

connected through a communication link the client operating a browser and an operating system, the method comprising the steps of (Fig 6) (Col 7, lines 25-45) (Col 6, lines 30-40):

providing a first web page to the client, the first web page having a link, the link being associated with a document wherein the document is accessible with the requested application (Col 7, lines 30-35);

receiving a request for a second web page by way of the client selecting the link associated with the document (Col 7, lines 35-45);

providing the second web page to the client, the second web page comprising a platform independent executable program, the platform independent executable program interacting directly with the operating system of the clients (Col 7, lines 40-50);

receiving communications from the platform independent executable program through a communication pipe, the communication pipe being part of the communication link that invoking a server resident process (Col 4, line 65-Col 5, line 5);

invoking a server resident process (Col 6, lines 10-25);

communicating with the platform independent executable program located on the client to facilitate determination of whether the requested application is installed on the client (Col 6, lines 10-20);

providing files associated with the requested application to the client for installation of the requested application on the client if the requested application is not installed on the client (Col 6, lines 10-20);

transferring files associated with the requested application to the client for installation of the application on the client (Col 6, lines 20-25); and

invoking the requested application (Col 6, lines 20-25).

Claim 30, claims a computer readable memory, that store the instruction for executing the method of claim 26 and is rejected for the same reason as claim 26.

Claim 31, claims an electronic signal that execute the method of claim 26 and is rejected for the same reason as claim 26.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-25, 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,464 by Hamilton et al as applied to claim 21 and 26 above, and further in view of US Patent No. 6,701,441 by Balasurbramaniam et al.

In claim 23, Hamilton teaches about a method according to claim 21 wherein the step of providing the requested application on the client comprises the steps of:

providing a setup executable associated with the requested application by the server to the client, if the setup executable is absent on the client (Col 6, lines 10-20);

installing the setup executable file on the client, if the setup executable is absent on the client (Col 6, lines 10-20);

invoking the setup executable file (Col 6, lines 20-25);

Art Unit: 2144

providing files associated with the requested application by the setup executable files from the server to the client (Col 6, lines 10-20);

installing native components on the client such that the native components do not interfere with the operating system of the client (Col 6, lines 20-30);

but does not explicitly teach about making a request in which the version of the application is taken in consideration. The need for interoperability as taught in Hamilton has created a need for version control (Col 1, lines 35-45) (Col 2, lines 5-15). As software are develop to meet new feature or to improve on old ones version control becomes an issue.

Balasurbramaniam teaches about an application making a request while taking in consideration the version of the application software (Col 11, lines 10-25). It would have been obvious for some one of ordinary skill at the time of the invention to improve on Hamilton invention by using the version control approach of Balasurbramaniam in order to insure interoperability despite future software changes.

In claim 24, Hamilton combined with Balasurbramaniam, teaches about a method according to claim 21 wherein the step of providing the requested application comprises the steps of:

determining if a version of the requested application previously installed on the client is the same as a version of the requested application located on the server (Balasurbramaniam Col 11, lines 10-25); and

Art Unit: 2144

installing the requested application on the client if the version of the requested application installed on the client is not the version of the requested application located on the server (Balasurbramaniam Col 11, lines 50-60).

In claim 25, Hamilton combined with Balasurbramaniam, teaches about a method according to claim 24 wherein the step of determining if the version of the requested application installed on the client is the version that is being requested comprises the steps of (Balasurbramaniam Col 11, lines 20-65):

querying an installation footprint of the installed application on the client to determine a location of the files associated with the application installed on the client within a memory of the client (Balasurbramaniam Col 11, lines 20-65);

determining version information for the application installed on the client (Balasurbramaniam Col 11, lines 20-65);

transferring the version information of the application installed on the client to the server (Balasurbramaniam Col 11, lines 20-65); and

comparing the version information of the application installed on the client with version information associated with the version of the application located on the server (Balasurbramaniam Col 11, lines 20-65).

In claim 27, Hamilton combined with Balasurbramaniam, teaches about a method according to claim 26 wherein the step of providing files comprises the steps of:

providing the setup executable program associated with the requested application by the server to the client, if the setup executable does not exist on the client (Hamilton Col 6, lines 10-20);

installing the setup executable program on the client, if the setup executable program does not exist on the client (Hamilton Col 6, lines 10-25);

invoking the setup executable program (Hamilton Col 6, lines 20-25);

providing files associated with a requested version of the requested application by the setup executable program from the server to the client (Covered in claim); and

installing native components on the client such that the native components do not interfere with the operating system of the client (Hamilton Col 11, lines 50-65).

In claim 28, Hamilton combined with Balasurbramaniam, teaches about a method according to claim 26 wherein the step of providing files comprises the steps of:

comparing version information of the requested application installed on the client with version information of the requested application located on the server if it was determined that the requested application was installed on the client (Balasurbramaniam Col 11, lines 20-65); and

transferring files associated with the requested application to the client for installation of the requested application on the client if the version of the requested application on the client is not the same as the version of the application located on the server (Balasurbramaniam Col 11, lines 20-65).

In claim 29, Hamilton combined with Balasurbramaniam, teaches about a method according to claim 26 wherein the step of providing files comprises the steps of:

querying an installation footprint of the installed application installed on the client to determine a location of files associated with the application installed on the client within a memory of the client (Balasurbramaniam Col 11, lines 20-65);

determining version information for the application installed on the client
(Balasurbramaniam Col 11, lines 50-65);

transferring the version information of the application installed on the client to the server (Balasurbramaniam Col 11, lines 50-65); and

comparing the version information of the application installed on the client with version information associated with the version of the application located on the server (Balasurbramaniam Col 11, lines 20-65).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,884,035 by Butman et al., teaches about a dynamic distributed group registry apparatus and method for collaboration and selective sharing of information.

US Patent No. 6,643,679 by Erickson et al., teaches about a WebTx gateway preprocessing hook.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.


Art Unit: 2144

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923

. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MD


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